

BOARD OF DIRECTORS MEETING (OPEN)

AGENDA ITEM 3

ATTACHMENT 3-I

FINDING THAT 10-DAY NOTICE REQUIREMENT
WOULD CAUSE SUBSTANTIAL HARDSHIP

PRESENTED BY: Jeanne Cain

July 31, 2009

RESOLUTION AND FINDING APPROVING SPECIAL MEETING –
FURLOUGH ISSUE (DRAFT)
JULY 31, 2009

WHEREAS, the Governor of California issued Executive Orders S-16-08 on December 19, 2008, and S-13-09 on July 1, 2009, which have in total ordered the Department of Personnel Administration to adopt a plan to implement a furlough of represented state employees for three days per month, regardless of funding source; and

WHEREAS, the Service Employees International Union (or “SEIU”) filed a Petition for a Writ of Mandate in Superior Court in San Francisco on or about June 12, 2009 against the Governor and against Janet Frank as President of the State Compensation Insurance Fund seeking an order from the court that the State Compensation Insurance Fund employees represented by SEIU are exempt from the furlough;

WHEREAS, parties are required to file an Answer to the SEIU Petition on August 7, 2009; and

WHEREAS, the California Association of Professional Scientists (or “CAPS”) filed a Petition for a Writ of Mandate in Superior Court in San Francisco on or about July 24, 2009 against the Governor and against Janet Frank as President of the State Compensation Insurance Fund seeking an order from the court that the State Compensation Insurance Fund employees represented by CAPS are exempt from the furlough;

WHEREAS, the Association of California State Supervisors (or “ACSS”) submitted a letter dated July 16, 2009 to Janet Frank and members of the Board of Directors demanding that all State Fund employees, including members of ACSS, be exempted from the Governor’s furlough orders;

WHEREAS, the delay necessitated by providing notice 10 days prior to a meeting as required by Government Code Section 11125 would not allow the Board of Directors sufficient time to confer with staff and legal counsel prior to the date established by the court; and

WHEREAS, the Board of Directors has an immediate need to confer with staff and legal counsel on additional potential litigation;

NOW THEREFORE,

It is RESOLVED, that the Board of Directors finds that the delay necessitated by providing notice 10 days prior to a meeting as required by Government Code Section 11125 would cause a substantial hardship on the State Compensation Insurance Fund and its Board of Directors.